

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHARLES K. WILSON,

Petitioner,

v.

HAROLD GRAHAM,
SUPERINTENDENT,

Respondent.



18-CV-192 (JLS) (HBS)

DECISION AND ORDER

On January 29, 2018, *pro se* Petitioner Charles K. Wilson filed this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Dkt. 1. On May 28, 2019, Respondent answered the Petition and also filed a memorandum in opposition to the Petition. Dkts. 16, 17. In reply, Wilson submitted a “Traverse for Writ of Habeas Corpus,” which was filed on February 12, 2020. Dkt. 29.

On July 30, 2019, this Court¹ referred this case to United States Magistrate Judge Hugh B. Scott for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Dkt. 18. On September 18, 2020, Judge Scott issued a Report and Recommendation, recommending that this Court dismiss the Petition. Dkt. 30.

¹ Judge Vilardo was originally assigned to this case and made the referral to Magistrate Judge Scott. On January 6, 2020, this case was reassigned to Judge John L. Sinatra, Jr. Dkt. 28.

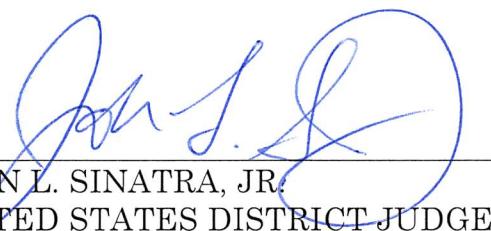
A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Scott's R&R. Based on that review and the absence of any objections, the Court accepts and adopts Judge Scott's recommendation to dismiss Wilson's Petition.

CONCLUSION

For the reasons stated above and in the R&R, the relief sought in Wilson's Petition for Writ of Habeas Corpus (Dkt. 1) is DENIED and the Petition for Writ of Habeas Corpus is DISMISSED. The Clerk of the Court shall close the file.
SO ORDERED.

Dated: October 15, 2020
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE